

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Criminal No. 12-271 (DSD/JJG)

United States of America,

Plaintiff,

v.

ORDER

Harold Duane Davenport,

Defendant.

This matter is before the court upon the objection by defendant Harold Duane Davenport to the January 15, 2013, report and recommendation of United States Magistrate Judge Jeanne J. Graham. Defendant moves to suppress evidence obtained as a result of search and seizure and to suppress his statements, admissions and answers, arguing that (1) the search warrant was issued without probable cause; (2) the warrant was executed in an illegal manner; (3) the search exceeded the scope of the warrant; and (4) the statements admissions, or answers given by the defendant at his home were not given freely and voluntarily. The magistrate judge recommends denying the motion. Defendant "objects to the legal conclusions found [in] the Magistrate Judge's Report and Recommendation," and rests on his arguments raised before the magistrate judge. Def.'s Objection 1.

The court reviews the report and recommendation of the magistrate judge de novo. See 28 U.S.C. § 636(b)(1)(C); D. Minn. LR 72.2(b). Following a careful review of the file, record and

proceedings herein, the court concludes that the well-reasoned report and recommendation correctly disposes of defendant's motions. Accordingly, **IT IS HEREBY ORDERED** that:

1. The objection [ECF No. 30] is overruled;
2. The report and recommendation [ECF No. 28] is adopted in full;
3. The motion to suppress evidence obtained as a result of search and seizure [ECF No. 19] is denied;
4. The motion to suppress statements, admissions and answers [ECF No. 20] is denied.

Dated: February 1, 2013

s/David S. Doty
David S. Doty, Judge
United States District Court